



Patent
Attorney's Docket No. 018775-794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop Non-Fee Amendment
Kagumi MORIWAKI)	
Application No.: 09/599,598)	Group Art Unit: 2623
Filed: June 23, 2000)	Examiner: Jingge Wu
For: IMAGE PROCESSING FOR IMAGE)	Confirmation No.: 1464
CORRECTION)	
)	

REQUEST FOR RECONSIDERATION

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 16 2004
Technology Center 2600

Sir:

In response to the Office Action mailed April 16, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

Claims 1-28 remain pending. On page 2 of the Office Action, the Examiner rescinded the restriction requirement set forth in the Action dated July 16, 2003 (Paper No. 6) and rejoined all previously withdrawn claims. Therefore, all pending claims 1-28 presently are subject to examination.

The Office Action includes a rejection of claims 1, 3-6, 8-12, 14-17 and 18-28 under 35 U.S.C. § 102(e), as allegedly being anticipated by Inoue (U.S. Patent No. 6,097,836). This rejection is respectfully traversed, for the following reasons:

A Common Distinction Among All Independent Claims

It is respectfully submitted that the system and methods disclosed in the Inoue et al. patent do not include any mechanism for, or any step of *analyzing image data to determine a scene*, as recited in the pending independent claims.

For instance, independent claims 1 and 5 are directed to an image processor that comprises, among other features, "a controller which analyzes image data to determine a scene thereof." Claim 10 recites a step of "analyzing image data to determine a scene of the

image data.” Similar features are set forth in the remaining independent claims 11, 12, 16 and 21. In connection with these claimed features, the Office Action asserts, with reference to Figures 1 and 6, and column 10, lines 1-19, that the Inoue et al. patent discloses analyzing image data to determine a scene. (See the Office Action, page 3, lines 4-5 and 14-19, and page 4, lines 3-6.) However, column 10, lines 2-3, lines 35-38 and lines 52-57 of this patent describe that a *user* specifies a correction pattern. For instance, column 10, lines 52-54 of Inoue et al. states: “The operator specifies a desired correction pattern by operating a mouse 603.” That is, the pattern to be corrected in Inoue et al. is not obtained as a result of analysis, but by the operator, which would appear to require some level of experience to determine a desired correction pattern.

The Inoue et al. patent does not disclose any particulars concerning *how* to determine a desired correction pattern. Because an operator in the system of Inoue et al. determines the desired correction pattern, it appears that an image is displayed in the screen of the CRT monitor 604 and that the operator decides the pattern by viewing the screen. Thus, the operator would analyze *the image displayed in the screen*. By contrast, what is analyzed in the present invention is *the image data* to determine a *scene* of the image. For instance, with reference to the examples described in pages 7 to 8 of the specification, in the analysis of image data, histograms of R, G, B data, value data, or the like are prepared and the image data is divided into areas. A scene, for example, color fog, backlight, underexposure, overexposure, night scene or the like is decided and displayed. Because parameters are displayed according to a scene, a general user can easily correct the image and would not need the level of experience for specifying a pattern inferred in the Inoue et al. patent.

For at least these reasons, it is respectfully submitted that the rejection should be withdrawn, as the Inoue et al. patent fails to disclose each and every element recited the combination of features of independent claims 1, 5, 10-12, 16 and 21.

Additional Features Not Disclosed in the Inoue et al. Patent

Additionally, the Inoue et al. patent fails to disclose a display device which displays the scene, as recited in independent claims 1, 5 and 21, or a step of displaying the scene of the image data, as recited in independent claims 10, 11, 12 and 16. With respect to these

claimed features, the Office Action refers to the buffer 90 in Figure 1 and to column 10, lines 1-8 of the Inoue et al. patent. It is respectfully submitted, however, that the cited portions of Inoue et al. relied upon do not mention any display device which displays a scene, or any step of displaying a scene of the image data, as claimed.

It is noted that the Examiner considers an image display to be an inherent feature in view of the “output image buffer” (90) shown in Figure 1. However, for something to be inherently disclosed in a reference, the missing descriptive matter of that thing must *necessarily* be present in something described in the reference. See MPEP § 2112. In this regard, the description in Inoue et al. of the output image buffer 90 only mentions that it operates to hold output data (see column 10, line 13). It is respectfully submitted that mere disclosure of an output image buffer holding output data does not necessarily disclose the claimed display device which displays the scene of the image data, and similarly, the claimed step of displaying the scene of the image data. For example, it is possible that the output buffer of Inoue et al. could be used to hold data being stored in a memory or for buffering a transfer of data to a further processing module.

Furthermore, independent claims 11 and 16 each recite a step of correcting the image data *automatically* with a correction parameter in correspondence to the scene of the image data. A similar feature is recited in claim 5 with respect to the operation of a controller. The Office Action asserts that automatic correction is disclosed in column 1, lines 1-8 and lines 43-57, and column 13, lines 30-39 of the Inoue et al. patent. However, these cited portions of Inoue et al. describe a “correction amount specifying unit 50 for an operator to specify the correction amount” (column 10, lines 5-6), and “a specifying means 602” for the operator to specify the extent of the correction (see column 10, lines 54-57). Because an operator must specify a type and amount of correction in the Inoue et al. system, correction is not carried out *automatically* in the context in which this feature is recited in independent claims 5, 11 and 16.

For these additional reasons, it is respectfully submitted that the Inoue et al. patent fails to anticipate independent claims 1, 5, 10-12, 16 and 21. Accordingly, the rejection of these claims under Section 102 should be withdrawn.

The Office Action includes a rejection of claims 2, 7, 13 and 18 under 35 U.S.C. § 103, as allegedly being obvious over Inoue et al. in view of Bar et al. (U.S. Patent No. 5,506,946). Claims 2, 7, 13 and 18 respectively depend from independent claims 1, 5, 12 and 16. Hence, these dependent claims are allowable for at least the reasons given above for the independent claims. Moreover, the alleged teaching of a reset function which cancels the setting of correction parameters in the Bar et al. patent does not remedy the deficiencies noted above with respect to independent claims 1, 5, 12 and 16.

Claims 2-4, 6-9, 13-15, 17- 20 and 22-28 depend from one of independent claims 1, 5, 10-12, 16 and 21, and are therefore allowable for the above reasons. It is further submitted that the dependent claims recite combinations including additional features not disclosed in the Inoue et al. patent. However, because the distinctions between the independent claims and the Inoue et al. patent are clear, it is not believed that a discussion of separately patentable subject matter recited in the dependent claims is necessary at this time.

Conclusion

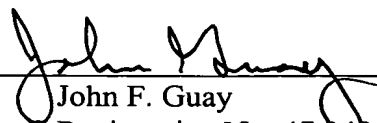
In light of the foregoing, Applicant respectfully requests that the rejections be withdrawn and the application be passed to issuance without further delay.

Respectfully submitted,

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By: _____


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